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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SEVEN

In re Y.W., a Person Coming Under the
Juvenile Court Law.

B243901

(Los Angeles County
Super. Ct. No. CK94568)

LOS ANGELES COUNTY
DEPARTMENT OF CHILDREN AND
FAMILY SERVICES,

Plaintiff and Respondent,

v.

Y.W.,

Defendant and Appellant.

APPEAL from a judgment of the Superior Court of Los Angeles County, Philip L. Soto, Judge. Affirmed.

David A. Hamilton, under appointment by the Court of Appeal, for Defendant and Appellant.

John F. Krattli, County Counsel, James M. Owens, Assistant County Counsel, and Sarah Vesecky, Deputy County Counsel for Plaintiff and Respondent.

Y.W. (“Mother”), the mother of dependent child Y.W., appeals from one jurisdictional finding of the juvenile court under Welfare and Institutions Code section 300, and she also contends that her rights were violated by errors made by the court at the adjudication. We need not address Mother’s challenge to the jurisdictional finding in light of the uncontested other bases for jurisdiction; and although the court erred in failing to give the required advisements and take proper waivers at the adjudication, the error was harmless under any standard. Accordingly, we affirm the judgment.

FACTUAL AND PROCEDURAL BACKGROUND

Newborn infant Y.W. came to the attention of the Department of Children and Family Services in June 2012 based on a report from the drug and alcohol treatment program in which Mother was participating. The reporting party told DCFS that there were concerns about Mother’s mental health; that she had threatened her roommates; that she ignored the child’s cries while she was chanting; that she left him unattended while she showered; and that she did not handle him properly.

DCFS spoke with an Oregon social worker who had worked with Mother prior to Y.W.’s birth. That social worker reported that Mother and the father of Y.W. and his siblings had engaged in domestic violence for many years and that they were aggressive in front of the children. Mother had chronically neglected her other children, failing to feed them to the point of malnourishment; and she failed to send them to school. Mother was dependent on social services in Oregon, demonstrated poor money management skills, ran through money and food stamps quickly, and angrily demanded food of her choice from office staff. She had post-traumatic stress disorder, paranoia, and attached personality disorder; the social worker believed that her aggression, dependency, inability to parent, poor money management skills, and poor living skills indicated that she may have further mental health issues, possibly schizophrenia. Her psychiatrist believed she required more intensive services than Oregon could provide. Mother had been observed to be abusive, aggressive, and withdrawn, with hallucinations and delusions. Mother also had an IQ of 74. The Oregon social worker urged DCFS to detain newborn Y.W.

Y.W.'s four older siblings had been placed with a paternal aunt in California in 2011, and Oregon had sent Mother to California as well so that the maternal grandmother could assist Mother in receiving services. Mother was enrolled in a residential program designed for women who were recovering from domestic violence and substance abuse. Mother's case manager told DCFS that Mother had been diagnosed with alcohol dependency and her former case manager reported that she had entered the program due to alcohol abuse. Mother's therapist told DCFS that Mother entered the program due to her marijuana use. The assistant director of Mother's program told DCFS that in ten years of working there, she had never seen anyone as bizarre as Mother. She displayed serious mental health issues that interfered with her ability to succeed in the program.

DCFS spoke to multiple people at the treatment program about Y.W.'s situation. The assistant director of Mother's program reported that Mother prayed for long periods of time, during which she chanted and did not attend to the baby. She did not believe, however, that the baby was in immediate danger or needed to be removed. The vice president of the program agreed that the baby was presently all right but questioned whether Mother would be able to cope with him as he grew. Mother's social worker strongly urged DCFS not to detain the baby, stating that Mother was doing her best to take care of the child and that there was no basis for detention. Mother's therapist did not believe that the report made to DCFS was accurate or that there was any basis for detaining the baby. She believed Mother was taking good care of Y.W.

DCFS requested that Mother participate in a Voluntary Family Maintenance Case due to her mental health history and her open dependency case in Oregon. Mother refused. DCFS then filed a dependency petition, alleging that Y.W. fell within the jurisdiction of the juvenile court under Welfare and Institutions Code¹ section 300, subdivisions (a) and (b). DCFS did not remove Y.W. from Mother's care and asked that he stay in Mother's home. The court detained Y.W. from his incarcerated father and ordered that he remain with Mother as long as she remained in her residential program.

¹ Unless otherwise indicated, all further statutory references are to the Welfare and Institutions Code.

On July 30, 2012, Mother's program reported that Mother had argued that day with another patient and that Mother had scissors in her hand, was very loud, and threatened the other patient. Staff had to intervene and take the scissors from Mother. At some point Mother was holding Y.W. while being verbally aggressive with others. Staff tried to make Mother aware that she was frightening her child, but she refused to listen. As a result of the incident, Mother was being discharged from the program. DCFS then detained Y.W. and placed him in foster care.

DCFS filed an amended dependency petition, alleging that the parents' history of violence presented a risk of physical harm to Y.W.; that this violence also endangered Y.W.'s physical health and safety and placed him at risk of physical harm, damage, and danger; that Mother abused alcohol and marijuana, rendering her unable to provide care to Y.W. and endangering him; that his father had a history of substance abuse rendering him unable to care for the child and endangering him; and that Mother had mental and emotional problems including aggressive and violent behavior, endangering Y.W.

The court found true all the allegations as amended and sustained all counts of the amended petition and declared Y.W. a dependent child of the court under section 300, subdivisions (a) and (b). Mother appeals.

DISCUSSION

I. Sufficiency of the Evidence to Support Alcohol and Drug Allegations

Mother does not contest the court's jurisdiction over Y.W., but she contends that the record lacks substantial evidence to support the allegation under section 300, subdivision (b) that her alcohol and drug issues endanger Y.W.'s physical health and safety and place him at risk of physical harm, damage, and danger. Y.W., however, was also found to be a dependent of the juvenile court under section 300, subdivision (a) and three other counts under section 300, subdivision (b), and those findings have not been challenged on appeal. Because the juvenile court's other uncontested findings offer an independent basis for affirming the exercise of jurisdiction over the child, we need not

consider Mother's challenges to the sufficiency of the evidence to support one allegation under section 300, subdivision (b). (*In re Dirk S.* (1993) 14 Cal.App.4th 1037, 1045 [single basis for jurisdiction is sufficient to uphold juvenile court's order]; *In re Jonathan B.* (1992) 5 Cal.App.4th 873, 875 [when one jurisdictional finding is supported by substantial evidence, appellate court need not consider sufficiency of evidence to support other findings].)

II. Alleged Violations of Mother's Rights

Mother claims that the juvenile court erred by adjudicating the dependency petition when only a pretrial resolution conference had been scheduled for that date. The record shows, however, that on July 13, 2012, the court advised Mother that August 21, 2012, would be the date for a pretrial resolution conference and adjudication. On August 21, the matter was continued until September 4 to permit time for the incarcerated father to respond to his newly appointed attorney. Mother chose not to attend that hearing and her whereabouts were unknown, but her counsel was there and was instructed to advise her of the new date. On September 4, Mother appeared for the new date for the pretrial resolution conference and adjudication. Neither she nor her counsel objected to the adjudication being held that day or made any statement of being surprised by the proceedings. The record does not support Mother's argument that she was ambushed by the adjudication of the dependency petition on September 4, 2012.

Next, Mother complains that the court did not use Judicial Council form JV-190. She acknowledges that California Rules of Court, rule 5.682(e) notes that a parent and counsel may complete this form and submit it to the court, but notes that the form itself specifies that the form is for "mandatory use." She contends that the "best practice" would be to require the use of the form whenever a parent submits on the report, but she does not claim that the court erred. Mother has not established any basis for reversal with this argument.

Finally, Mother argues, and County Counsel concedes, that the juvenile court erred when it failed to advise her of, and make findings that she knowingly, intelligently,

and voluntarily waived, her rights to a contested hearing; to assert the privilege against self-incrimination; to confront and cross-examine witnesses; and to compel the attendance of witnesses. (Cal. Rules of Court, Rules 5.534(k) & 5.682(b), (f).) A juvenile court's failure to advise on the record is subject to harmless error analysis. (*In re Monique T.* (1992) 2 Cal.App.4th 1372, 1378.) Mother has not established prejudice here. She has not identified any respect in which she would have proceeded differently had the required advisements been made, or any manner in which the outcome might have been or would have been different had she been properly advised and waivers taken on the record. She describes being unhappy about the dependency proceedings, refusing to cooperate at various points in the proceedings, and resisting jurisdiction, but Mother's opposition to jurisdiction does not show that she was prejudiced in any way or that the outcome would have been different had the advisements been given. She claims to have been "unable to avail herself of her due process rights," but she does not describe what rights she would have availed herself of if the advisement and waiver process had been properly followed, or how the result would have been different. Regardless of the harmless error standard applied here, Mother has not established prejudice from the advisement and waiver errors.

DISPOSITION

The judgment is affirmed.

ZELON, J.

We concur:

PERLUSS, P. J.

WOODS, J.